

The opinion in support of the decision being entered today is not binding precedent of the Board.

Paper 18

Filed by: Interference Trial Section Merits Panel  
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Filed:  
3 January 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

JIQUN SHAO, and A. STUART DENHOLM

Junior Party,  
(Patent 5,654,043),

v.

TERRY T. SHENG

Senior Party  
(Application 08/697,321).

FAXED

JAN 03 2003

PAT. & T.M. OFFICE  
BOARD OF PATENT APPEALS  
AND INTERFERENCES

Patent Interference No. 105,047

Before: SCHAFER, TORCZON and NAGUMO, Administrative Patent Judges.

SCHAFER, Administrative Patent Judge.

**JUDGMENT PURSUANT TO 37 CFR § 1.662**

Shao has filed a request for entry of an adverse judgment under 37 CFR § 1.662(a).

Paper 17. Accordingly, it is

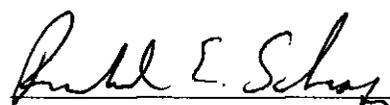
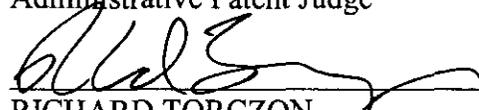
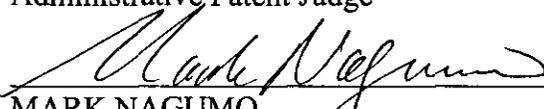
ORDERED that judgment on priority as to the subject matter of Count 1 (Paper 1, p.5), is awarded against the junior party, JIQUN SHAO and STUART DENHOLM;

FURTHER ORDERED that junior party, JIQUN SHAO and STUART DENHOLM, is not entitled to a patent containing claims 1-5, 8-15 and 17-19 (corresponding to Count 1) of Patent 5,654,043;

FURTHER ORDERED that the conference call scheduled for January 7, 2003, is cancelled;

FURTHER ORDERED that if there be a settlement agreement, which has not been filed, that the parties are advised of the requirement to file a copy of the agreement (35 U.S.C. § 135(c)); and

FURTHER ORDERED that a copy of this judgment be made of record in Application 08/697,321 and in the file history of Patent 5,654,043.<sup>1</sup>

	)	
RICHARD E. SCHAFER	)	
Administrative Patent Judge	)	
	)	
RICHARD TORCZON	)	BOARD OF PATENT
Administrative Patent Judge	)	APPEALS AND
	)	INTERFERENCES
MARK NAGUMO	)	
Administrative Patent Judge	)	

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<sup>1</sup>Shao's request for adverse judgment states:

Party Shao expressly reserves its right of priority to all the remaining claims of U.S. Patent 5,654,043 not designated as corresponding to the count, i.e., claims 6, 7, 16, 20, and 21.

In entering judgment against Shao no consideration has been given to the above-quoted statement.

cc (via Fax):

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